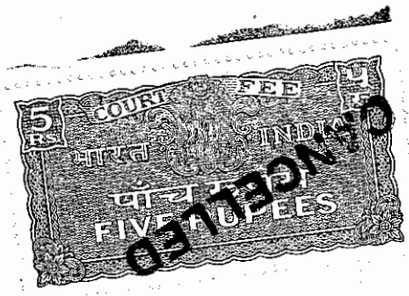


(5)

SINGLE BENCH

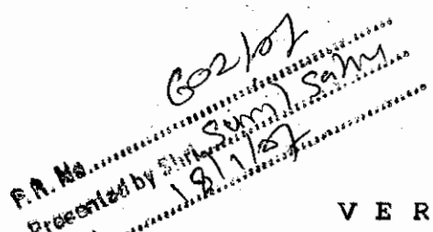
C.8(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

.....

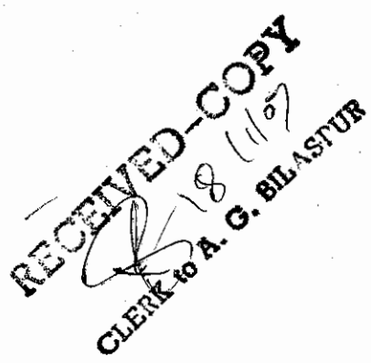
W.P.(C) NO. 104 OF 2007

PETITIONER : Basant Banjara,son of Shri Tula Ram Banjara,aged about 34 years, Sarpanch of Gram Panchayat Kolihadeori,Tehsil-Basna,District Mahasamund(C.G.)



V E R S U S

RESPONDENTS : 1. State of Chhattisgarh,through Secretary,Panchayat D.K.S.Bhawan,Raipur,District-Raipur(C.G.)



2. Kundan Lal,son of Thakur Ram Panch, Gram Panchayat Kolihadeori Tehsil-Basna,District-Mahasamund, (C.G.)

3. Director, Panchayat, Raipur,(C.G.)

4. The Collector,Mahasamund, District-Mahasamund,(C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

(93)

IN THE HIGH COURT OF CHHATTISGARH : BILASPUR

Writ Petition (C) No.104/2007

Petitioner : Basant Banjara

- Versus-

Respondents : State of Chhattisgarh & others

Shri Sunil Sahu, Advocate for the petitioner.

Shri A. S. Kachwaha, Govt. Advocate for the respondents No. 1, 3 and 4.

None for the respondent No.2.

ORDER

(Passed on this 13th day of February, 2007)

This order of the Court is passed by Justice Satish K. Agnihotri.

1. By this petition filed under Article 227 of the Constitution of India the petitioner challenges the validity of the order dated 8.1.2007 (Annexure P/10), passed in Appeal Case No. 40/A-89(3)/05-06 by the Director Panchayat, Chhattisgarh, Raipur.

2. According to learned counsel for the petitioner the fourth child of the petitioner was born on 16.1.2001 for which he has produced a certificate of the police station Jaijaipur, District-Janjgir Champa, when admittedly the petitioner was a resident of village Semradeeh, Police Station Jaijaipur.

3. The Director Panchayat after having considered all other certificates/documents, issued by the Block Development Officer, Basna and sterilization operation (family planning operation) done, thereafter on 5.4.2003 came to the conclusion that the fourth child of the petitioner was born on 8.2.2003 in his residence at village Kohiladevri. The petitioner concealing

the said fact was elected as Sarpanch of the Gram Panchayat contrary to the provisions of Section 36 (1) (m) of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

4. Upon perusal of the impugned order as well as other documents appended thereto, in my opinion, there is no infirmity in the impugned order. Thus, this Court in exercise of its powers under Article 226 of the Constitution of India is not inclined to interfere with the order dated 8.1.2007 (Annexure P/10) passed by the Director, Panchayat.

5. The petition is accordingly dismissed. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur